REMARKS

Claims 6-10, 18-22, 28 and 30 are objected to as being dependent upon a rejected base claim but are indicated as being allowable if rewritten in independent form. Those claims have accordingly been amended to be in independent form.

Claims 32-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In response, those claims have been cancelled.

Claims 1, 3-4, 11, 13, 15-16 and 23 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Carlin (U.S. Patent 3,371,660). Claims 1, 3, 5, 13, 15 and 17 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Krasnicki et al. (U.S. Patent 4,930,507). Claims 29 and 32 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Yarush et al. (U.S. Patent 5,879,289). Claims 25 and 27 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Carlin (U.S. Patent 3,371,660). Claims 12 and 24 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Carlin in view of Luning et al. (U.S. Patent 3,390,931). Claims 25-27 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Krasnicki et al. Claims 12 and 24 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Krasnicki et al. in view of Luning. Claims 33 and 35 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Yarush et al. with or without Monroe et al. (U.S. Patent 5,662,586). In response, the applicants have reviewed those references and believe that the present claims are patentability distinctive thereover for the reasons discussed hereinafter.

The Carlin reference describes an ultrasonic examination apparatus wherein an ultrasonic transducer 12 transmits ultrasonic pulses to the eye by way of a reflector 10 wherein a observer can see the eye through a prism 30 and the reflector 10. In order for the ultrasound to work, it is necessary to have the entire instrument, including the eye piece 5 filled with a liquid such as water. The eyecup 5 has a lip 6 "adapted to engage and provide a liquid-tight seal against the eye socket of the patient, surrounding the eye to be examined". (Column 2, lines 41-44). It will thus be seen that the eyecup is most likely quite rigid (the material is not specified), and it obviously does not encompass the extent of the eye as described and claimed by the applicant.

Referring to claims 1 and 13, it is recited that the eyecup is sized "such that its outer edge substantially corresponds to a eye orbit of a patient wherein said eye orbit is generally defined by an eyebrow and an upper portion of a cheekbone of said patient". Carlin, on the other hand, shows in Fig. 1 and describes as set forth hereinabove, that it is "against the eye socket of the patient".

Claims 4 and 16 go further to recite that its interior is sized to accommodate a patient's eyelashes. The applicants suggest that Carlin does not show, describe or suggest this feature. In this regard, the Examiner states that Carlin is configured "to substantially correspond to the eye orbit of the patient's eye and an interior sized to accommodate a patient's eyelash". The applicants disagree and would rather argue that not only does Carlin not show or suggest this feature but would rather tend to teach one away from this design.

In respect to claims 25 and 27, wherein the applicants recite the steps of providing a spacer on said patient's end and moving the device toward the patient until said spacer contacts said patient at the eyebrow and upper cheekbone area, the applicants would like to again mention that for those parts of the eye orbit are not contacted by the Carlin apparatus. Further, in regard to the step of moving the device toward the patient's eye, whereas the Examiner agrees that Carlin does not positively disclose a method for operating his device for reviewing a patient's eye, he goes on to say that it would have been obvious to one skilled in the art to utilize it in such a way. The applicants disagree. Because of the rather extensive structure of the Carlin device as shown in Fig. 1, the applicants believe that it is not moveable toward the eye but rather stationary, with the patient moving his eye to come in contact with the apparatus. This is substantially different and less convenient then as shown and described by the applicants.

In respect to claims 12 and 24, wherein the applicants recite that the eyecup is formed of an opaque material such that the eyecup substantially prevents ambient light rays from reaching a patient's eye, the Examiner admits that Carlin does not show such a feature but suggest that Luning et al does and it would be obvious to modify Carlin by using such an eyecup. In this regard, the applicants would like to point out that Luning et al., describes an optical telescope assembly for use in night vision. The applicants would argue that one skilled in the art in ultrasonic eye

examination would not find it obvious to adapt their device by implementing features from a night vision instrument.

The Krasnicki reference shows an acoustical tonometer with an ocular chamber wherein sound waves are produced in the acoustical generator to excite a target eye which is positionable against the system to determine the health of the eye. The Examiner has said that "Krasnicki et al discloses a retina viewing system". With this the applicants disagree. Rather than the eye being observed by an observer as in the present invention, Krasnicki relies completely on the acoustical tonometer to sense the response of the eye by way of the transducers 40 and 41 which are connected to the analyzer 43. The observer then later studies the analyzer 43 to determine what has been "seen" by the machine. Further, again, like the Carlin apparatus, the Krasnicki apparatus is quite substantial and is not portable. Accordingly, the eye is positioned with respect to the apparatus rather then vice versa as in the case of the present invention.

Referring now to the claims, both claims 1 and 13 recite an eye viewing device. Krasnicki on the other hand, does not permit the viewing of the eye but rather only allows transducers to pick up its responsive pressure. Claim 1 also recites the eye viewing device having a patient end and an observer end. As discussed hereinabove, Krasnicki does not allow the observing of the eye and therefore has no observer end. Rather, the "observer" will only look at the analyzer 43.

Claim 13 further recites the "positioning of the eye viewing device relative to the patient". As discussed hereinabove Krasnicki rather positions the eye with respect to the device. While it may appear to be semantics, this portability feature of the present invention is significant when considering the convenience to both the observer and to the one being observed.

In respect to claims 25-27, again, the Examiner states that "Krasnicki discloses a retina viewing system... with an observer side and a patient side" as discussed hereinabove, the applicant disagree and believe that Krasnicki does not disclose a retina viewing system and does not have an observer side since there is no one "observing" the eye. The Examiner further states that although Krasnicki does not provide the methods, it would be obvious to one skilled in the art to do so and

including the step of moving the device towards the patient's eye until it touches the area defined by the eyebrow and upper cheekbone area around the patient's eye. The applicants disagree. Because of the substantial structure, it would not be obvious to move the device towards the patient eye.

In respect to the rejections of claims 12 and 24, for the reasons discussed hereinabove in respect to Carlin, it would not be obvious to adapt the features of Luning to the Krasnicki device.

For the reasons discussed hereinabove, the applicants believe that the claims are patentability distinctive over the cited references. A reconsideration of the Examiner's rejections and a passing of the case to issue is respectfully requested.

Respectfully submitted,

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